

## **Further Amended Applications March 17, 2014**

### **Application of Charlene Kruse 2013-005**

#### **Decision Appealed**

Purported appointment by the Executive Council of the Executive Director as the Economic Development Officer on August 27, 2013 (Resolution #2013-145).

#### **Respondents**

Executive Council and Executive Director (James Edwards).

#### **Relief Sought**

Declaration that the purported appointment of the Executive Director as Economic Development Officer was unlawful (pursuant to s. 24(a) of the *Tribunal Act*).

#### **Grounds for Appeal**

Section 12(2) of the *Economic Development Act* requires the Executive Director to appoint an economic development officer.

On August 27, 2013, the Executive Council purported to appoint the Executive Director to the position of Economic Development Officer. This appointment was unlawful because only the Executive Director could make that appointment. In addition, appointing the Executive Director to the position was inconsistent with a key underlying purpose of the *Economic Development Act*, namely reducing political influence over Huu-ay-aht business decisions.

Although the Respondents assert in their Response that the Executive Council rescinded its motion appointing the Executive Director to the role of Economic Development Officer, this only occurred after I raised the matter with the Chief Councillor on October 31, 2013. A declaration that the law was breached in this case will communicate the important message to the whole Nation, including this Executive Council and future Executive Councils, that the HUU-ay-aht administration must follow the appointment procedures set out in our laws.

#### **Request for Late Filing of Application**

Although I filed my Application outside the 60 day time limit, I am requesting that the Tribunal nevertheless agree to hear it, pursuant to *Tribunal Act* s. 21(2). I believe that there are special circumstances that justify this request.

I did not learn that the Executive Council had appointed James Edwards as the Economic Development Officer until I went to the Huu-ay-aht Port Alberni Government Office on October 25, 2013 to review records, including the minutes of the August 27, 2013 Executive Council meeting. These minutes had not yet been posted online on October 25, 2013. It is only because I took time off work to review the records that I learned of this decision. Moreover, I promptly raised my concern about this appointment with the Chief Councillor at our meeting of October 31, 2013, as described in my Application 2013-002.

I believe that I proceeded with reasonable diligence in the circumstances and that my Application should therefore be allowed to proceed.